

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

RUBEN ESCANO,

Plaintiff,

v.

Civ. No. 22-360 DHU/GJF

RCI LLC, TIMESCAPE RESORTS LLC,
STEPHEN BRADLEY, MEXICAN
RIVIERA RESORTS UNLIMITED, and
JOHN DOES 1–10,

Defendants.

ORDER GRANTING LEAVE TO FILE FIRST AMENDED COMPLAINT


THIS MATTER is before the Court on Plaintiff’s Motion to Amend Complaint [ECF 74] (“Motion”), filed March 15, 2023, the deadline for Plaintiff to file such a motion. *See* ECF 71 (Order Setting Pretrial Deadlines and Briefing Schedule). Plaintiff represents that his proposed First Amended Complaint [ECF 74-1] still addresses the same alleged “twenty-seven, unsolicited telemarketing calls which the Defendants initiated to Plaintiff” and that “the three new counts in the [proposed complaint] are brought under the same [Telephone Consumer Protection Act] regulatory framework as in the Original Complaint.” Mot. at 3. Plaintiff further represents that he “inquired as to the Defendants’ position on this [M]otion” but “ha[d] not received a definite response.” *Id.* at 1.

Because Defendants have not “file[d] and serve[d] a response in opposition to [the Motion] within [14 days],” they have consented to this Court granting the Motion. D.N.M.LR-Civ. 7.1.(b).

IT IS THEREFORE ORDERED that Plaintiff’s Motion [ECF 74] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff may file his Proposed First Amended Complaint [ECF 74-1] no later than **April 10, 2023**.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE